

Senate File 2296

H-8311

1 Amend Senate File 2296, as passed by the Senate, as  
2 follows:

3 1. Page 1, after line 11 by inserting:

4 <Sec. \_\_\_\_\_. Section 907.3, subsection 3, unnumbered  
5 paragraph 1, Code Supplement 2011, is amended to read  
6 as follows:

7 By record entry at the time of or after sentencing,  
8 the court may suspend the sentence and place the  
9 defendant on probation upon such terms and conditions  
10 as it may require including commitment to an alternate  
11 jail facility or a community correctional residential  
12 treatment facility to be followed by a period of  
13 probation as specified in section 907.7, or commitment  
14 of the defendant to the judicial district department  
15 of correctional services for supervision or services  
16 under section 901B.1 at the level of sanctions which  
17 the district department determines to be appropriate  
18 and the payment of fees imposed under section 905.14.  
19 A person so committed who has probation revoked shall  
20 not be given credit for such time served. However, ~~the~~  
21 a person committed to an alternate jail facility or a  
22 community correctional residential treatment facility  
23 who has probation revoked shall be given credit for  
24 time served in the facility. The court shall not  
25 suspend any of the following sentences:

26 Sec. \_\_\_\_\_. APPLICABILITY AND WAIVER OF RIGHTS. A  
27 person who commits an offense prior to the effective  
28 date of this Act may expressly state to the court, at  
29 the time of sentencing, that the person waives any  
30 rights under Anderson v. State, 801 N.W.2d 1, relating  
31 to the calculation of credit for time served, and agree  
32 to be sentenced using credits as calculated under  
33 section 907.3 as amended by this Act. If the court  
34 finds the waiver voluntary, the sentencing order shall  
35 reference the person's waiver of rights under Anderson,  
36 and order that credit for time served be calculated  
37 under section 907.3, as amended by this Act.

38 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. The following  
39 provision or provisions of this Act, being deemed of  
40 immediate importance, take effect upon enactment:

41 1. The section of this Act amending section 907.3.

42 2. The section of this Act relating to the waiver  
43 of rights under Anderson v. State.>

44 2. Title page, line 2, by striking <murder and  
45 providing a penalty> and inserting <murder, credit for  
46 time served while on probation for certain offenses,  
47 providing a penalty, and including effective date  
48 provisions>

49 3. By renumbering as necessary.

